

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

AUGUST 21, 2006

KENDALL-DEAN SCHOOL

7:00 P.M.

GOOD & WELFARE

LIZ Development

Mr. Leo Defond questioned whether developer Fernando Tavares would be present tonight and was told that he would not but possibly he would be present at the meeting on September 5th. Mr. Defond also spoke about a worker who had been digging in a hole without a helmet on and that OSHA was looking for him.

REGULAR MEETING

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Mrs. Thibault, Mr. Yazbak, Mr. Zwolenski and Mr. Lovett. Mrs. Flaherty was unable to attend due to a previous commitment. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

PRESENTATION OF CITATIONS

The Council members and Mr. Lowe presented citations to the North Smithfield baseball team that captured the District IV Championship for 13 and 14 year olds.

EXECUTIVE SESSION

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted

unanimously on an aye vote to enter into executive session at 7:09 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss a request from the North Smithfield Fire & Rescue Service for compensation of injury.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 7:35 P.M. and to seal the minutes. No motions were made and no votes were taken.

APPROVAL OF MINUTES

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve the minutes of July 17 and 24, 2006 as presented.

PAYMENT OF BILLS

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to approve payment of the following: General Fund - \$2,120,359.57; Sewer - \$481,671.57; and Water - \$353,582.09 for a total of \$2,955,613.23.

APPROVAL OF POLICE DEPARTMENT CONTRACT

Mr. Lowe provided a list of proposed major changes in the Police Department contract and requested approval of the contract that would run from July 1, 2006 through June 30, 2009.

Mr. Zwolenski questioned if the Deputy Chief position would create another position and Chief Reynolds responded that when the department membership reaches 25, the captain's position would be eliminated.

Mr. Zwolenski also asked if the use of substitutes would require additional overtime pay and was told that it would not.

Mr. Yazbak asked if any consideration had been given to making new hires have a higher employee contribution for health care benefits and Mr. Lowe responded that there was and new employees would pay 15 percent.

Mr. Yazbak was dismayed that the Council resolution requiring 20% employee contributions for health care was not being followed.

Mr. Lowe explained that he had already started negotiating the police department contract prior to passage of that resolution. He has also completed the contract for the municipal employees, the highway workers and the dispatchers. It has just not been voted on by the membership as yet. Mr. Lowe also noted that, although the Council may want a 20% contribution, the police department has binding arbitration and it more than likely would not have come to fruition and may have ended up costing the town in higher salary increases.

August 21, 2006

Mr. Michael Rapko stated this contract sets a bad example for the school department contract negotiations. As an example, he cited that school department retirees are capped at seven years for health care benefits. Mr. Rapko feels this contract is a major liability to the town.

Mrs. Thibault stated employee contributions are important and she had hoped when the Council passed the resolution requiring a 20 percent contribution that labor contracts might have been settled at 10 percent as a middle ground.

Mr. Zwolenski believes the town is moving in the right direction when it comes to health care and that neither side is walking away from this contract thinking they won a major victory.

Mr. Lovett felt that overall the contract was fair and he agreed that in the future increased employee contributions need to be reviewed.

MOTION by Mrs. Thibault and seconded by Mr. Zwolenski to approve the police department contract as presented. Roll call: Mrs. Thibault – yes; Mr. Yazbak – no; Mr. Zwolenski – yes; Mr. Lovett – yes. The motion carried 3 to 1.

EXTENSION OF VACATION TIME – D. TODD

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted

unanimously on an aye vote to approve the Town Clerk's request to carry over additional vacation time with the stipulation that she abides by Mr. Lowe's requirement that 50 days be used in the next twelve months.

CONSERVATION COMMISSION MINUTES

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to receive and place on file the minutes of May 9, May 23 and June 13, 2006.

SEWER COMMISSION MINUTES

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to receive and place on file the minutes of July 12, 2006.

ZONING BOARD MINUTES

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to receive and place on file the minutes of June 27, 2006.

REPORT FROM SCHOOL BUILDING COMMITTEE

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to delay this discussion until after New Business.

USED AUTO PARTS DEALER LICENSE – C. BRUNO/LEO'S AUTO

PARTS

MOTION by Mr. Yazbak and seconded by Mrs. Thibault and Mr. Zwolenski to approve the application with the agreement as stipulated.

Mr. Zwolenski requested that it be noted this is for Plat 16, Lot 8.

The MOTION was so amended and seconded and voted unanimously on an aye vote to approve the used auto parts dealer license.

HOLIDAY SALES LICENSE – RED BOX AUTOMATED RETAIL

MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to approve the holiday sales license for the site located in the Stop & Shop Supermarket on Smithfield Road.

DRAINLAYER'S LICENSE – ADLER BROTHERS CONSTRUCTION INC.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the drainlayer's license as presented.

DRAINLAYER'S LICENSE – O'KEEFE TRUCKING & EQUIPMENT, INC.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve a drainlayer's license as to Lots #1 and #2 on Industrial Drive as presented.

August 21, 2006

VICTUALLING LICENSE – HOMESTEAD GARDENS

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve the victualling license as presented.

HOLIDAY SALES LICENSE – HOMESTEAD GARDENS

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski and Mrs. Thibault, and voted unanimously on an aye vote to approve the holiday sales license as presented.

SEASONAL SALES LICENSE – HOMESTEAD GARDENS

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to approve the seasonal license as presented.

SEWER ASSESSMENT FOR 29 PINE COURT – J. RUSSO

Several months ago Mr. John Russo appeared before the Council regarding his sewer assessment for 29 Pine Court. He believed he did not owe \$5,200 because he had been told in November 2004 that the \$1,500 he submitted was payment in full. Mr. Russo has since remitted an additional \$582.00 to keep his account current while the matter is being settled. At that Council meeting the matter was referred to the Sewer Commission for its recommendation. Mr. Russo returned to the Sewer Commission in April 2006. Although the Commission feels the original assessment of \$5,200 is correct per the

ordinance and that they do not feel Mr. Russo is in the Union Village sewer district, the members did make the motion that, due to a clerical error, the account is paid in full and anything paid over the \$1,500 should be refunded.

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to accept \$1,500.00 as full payment based upon the recommendation of the Sewer Commission and that Mr. Russo should be refunded \$582.00.

LIZ DEVELOPMENT

Town Planner Michael Phillips submitted a letter identifying work items in Phase I that are considered substandard or incomplete and will require additional work prior to conversion to a maintenance bond.

Mr. Lowe explained that a certified letter will be going out tomorrow to Fernando Tavares outlining the work that needs to be done. Mr. Lowe feels the work will be completed by September 5th and he added that Mr. Tavares has to have a bond for Phase II but will be unable to get it unless Phase I is done.

Mr. Lowe continued that Geremia & Associates will be present for on-site inspections and the cost will be covered by Mr. Tavares.

Mr. Leo Defond once again complained about the quality of his water

and the general condition of the area around LIZ Development.

Mr. Lowe noted there is money available from a Community Development Block Grant for a new well for Mr. Defond but he is unwilling to hear about it.

Mr. Yazbak stated he would like to get the Carlton issue mitigated also.

WATER ISSUES

Deerfield Commons Water

Mr. Yazbak asked when that connection would be wrapped up.

Mr. Lowe answered there is another 100 yards to do plus connections and it could possibly take one more month.

GRAFFITI ORDINANCE/RESIDENTIAL FENCING HEIGHT LIMITATIONS/RESIDENTIAL PROPERTY SIGNAGE

Mr. Yazbak had received a complaint from Michael Fournier of 357 Mattity Road regarding an eight-foot high fence his neighbor had installed. On the side of the fence facing Mr. Fournier's property, "No Trespassing" messages were painted.

August 21, 2006

Building Inspector Robert Benoit informed the Council that the town

does not have height restrictions for fencing nor an ordinance stating which side of a fence should face the owner's property.

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote that the Building Inspector, the Town Solicitor and the Town Administrator meet to see if the town's signage regulations apply in this case and if they do, then remedial action be taken.

MOTION by Mr. Yazbak, seconded by Mrs. Thibault and Mr. Zwolenski, and voted unanimously on an aye vote that the Town Administrator, the Building Inspector and the Town Solicitor work on an ordinance for fencing in the town of North Smithfield that includes height restrictions of no more than six feet with no more than three feet on the plane to the road and that the posts and the inside of the fencing are on the property owner's side. Mr. Yazbak included that there be language for proper signage.

When questioned by Mr. Lowe, Mr. Yazbak stated he had no objection to requests for variances regarding fencing, especially for commercial properties. Although the current zoning ordinance does not require a building permit for fencing under six feet, Mr. Yazbak feels it should be a requirement.

SCHOOL BUILDING COMMITTEE

Mr. Yazbak informed the Council members that the first meeting was

held on July 13, 2006. The core committee met and went over resumes of nine or ten individuals who were interested in serving. All were interviewed. On July 24th invitations were issued and all showed up. Four people were approved at the last Town Council meeting. The School Building Committee met again on August 10th with a number of people including the high school principal David Silva, Ron Fagnoli and Bob Gervasini of Gilbane Builders and David DeQuattro of RGB Associates. David Chamberland and Paul Vadenais were selected as co-chairpersons and Jane Biron was selected as the clerk to the committee. Gilbane is working on a cash flow schedule. At the meeting held on August 17th, relocation of the high school parking lots and basketball courts was discussed. The contract for Gilbane has been drafted.

COMMUNICATIONS

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to place the following on file: A.) Animal Control Monthly Report for July 2006; B.) NSF&RS Monthly Incident Report for July 2006; C.) Freshwater Wetlands Application on Iron Mine Hill Road and D.) Resolutions from the Town of East Greenwich and the City of Newport opposing a proposed amendment to the RI Constitution re: a casino in West Warwick.

MOTION by Mrs. Thibault, seconded by Mr. Yazbak, and voted unanimously on an aye vote to adjourn at 9:27 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk